REMARKS .

The following remarks are fully and completely responsive to the Office Action

dated July 15, 2003. Claims 5 and 7-9 are pending in this application with claims 2 and

10 canceled by the present amendment. In the outstanding Office Action claims 2, 5

and 7-10 were rejected under 35 U.S.C. § 103(a). No new matter is added. Claims 5

and 7-9 are presented for reconsideration.

35 U.S.C. § 103(a)

Claims 2, 5, and 7-10 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over the combination of Takaya (JP 2,956,587) and Cupps (US Pat. No.

5,991,739). In making this rejection the Office Action asserts that the combination of these

two references teaches and/or suggests the claimed invention. The Office Action also

asserts that it would be obvious to a person of ordinary skill in the art to combine these two

references. The cancellation of claims 2 and 10 renders this rejection moot as to these

claims. Applicants requested reconsideration of this rejection.

Claim 7 recites in part:

> a retrieval data base storing data on genres of handled merchandises
> and service providing areas of registered shops.

Claim 7 also recites in part:

> wherein said retrieval server of said retrieval site retrieves shops
> whose genres of handled merchandises from said retrieval database
> correspond to a desired merchandise genre entered at an information
> terminal connected to said retrieval site and whose service providing area
> from said retrieval database includes a destination entered at the
> information terminal connected to said retrieval site, and displays a map
> image on which the destination and retrieved shops are indicated, and
> after a shop is selected based on the map image, retrieves the service
> request data of the selected shop from said registered shop database, and

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displays the service request data on the information terminal, and then after an entry for requesting a service based on the service request data, sends the requested service contents to the selected shop, and

wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information.

Takaya discloses a system and method for finding a merchant. Users search for the merchant by entering the name, industry (merchandise genre), or keyword into a terminal. After the search is complete, icons for merchants whose name, industry or keyword match the name, industry or keyword entered by the user. Takaya limits the icons displayed to merchants physically located within a predetermined distance from a pre-entered or specified location.

Takaya displays all the icons for merchants that meet the search criteria and are located within a predetermined distance from the specified location. Takaya, however, fails to disclose and/or suggest a retrieval database storing data on the service providing area of registered shops. Takaya also fails to disclose and/or suggest "retrieving shops...whose service providing area from said retrieval data base includes a destination entered at the information terminal."

If Takaya taught these elements, then only the icons from merchants that met the search criteria and whose service area included the specified location would be displayed. In contrast, Takaya displays all icons from merchants that meet the search criteria and are located within a predetermined distance for example 1 mile of the specified location. Thus, Takaya may display icons for merchants that do not have a service providing area (i.e., the customer must come to the merchants location). Similarly, Takaya fails to display

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merchants located outside the predetermined distance, but whose service providing area includes the specified location.

The Examiner admits that Takaya fails to disclose and/or suggest displaying the service request data (menu) on the information terminal and after an entry requesting a service (food order) based on the service request data (menu), sending the requested service (food order) contents to the selected shop. The Examiner cites Cupps as curing this deficiency in Takaya.

While Cupps may correct the deficiency identified by the Office Action in Takaya, Cupps is not cited as correcting the deficiencies discussed above in Takaya.

Regarding claims 7 and 8, neither Takaya nor Cupps disclose or suggest that the retrieval site include "a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information." The Office Action asserts that Cupps teaches this element at column 5, line 3-4. This section of Cupps states:

An order database 128 that includes information on each of the customers, vendors, and received orders.

This section of Cupps appears to teach a database that includes user information. However, Cupps fails to teach retrieving "user information from said registered user database based on an entry on the information terminal," and retrieving the "list of shops capable of providing the service and said service request data based on the retrieved user information."

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Regarding, claims 9 and 5, neither Takaya nor Cupps disclose and/or suggest that the retrieval site include "entry of a <u>destination</u> of the provided service on the service request screen displayed on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site."

Thus, the combination of Takaya and Cupps fails to teach and/or suggest the claimed invention. Regarding claims 7 and 8, the combination of these two references fails to teach and/or suggest retrieving "user information from said registered user database based on an <u>entry</u> on the information terminal". The combination of these references also fails to teach and/or suggest and retrieving the "list of shops capable of providing the service and said service request data based on the retrieved user information." Regarding claims 9 and 5, the combination of these two references fails to teach and/or suggest "entry of a destination of the provided service on the service request screen displayed on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site." Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 5, and 7-9 under 35 U.S.C. § 103(a).

Conclusion

Applicants remarks have overcome the rejection set forth in the Office Action dated July 15, 2003. Specifically, Applicants remarks have distinguished claims 5, and 7-9 from the combination of Takaya and Cupps and thus overcome the rejection of these claims

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under 35 U.S.C. § 103(a). Accordingly, claims 5, and 7-9 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 5, and 7-9.

Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone, if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees, which may be required with respect to this paper or credit any overpayment to Deposit Account No. 01-2300, referencing attorney docket number **107156-00051**.

Respectfully submitted,

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